

IN THE U.S. DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

APRIL BAYLIS, :
: Plaintiff, :
: :
v. : C. A. No. 04-1462-KAJ
: :
RED LION GROUP, INC., a corporation of :
the State of Pennsylvania, :
: :
Defendant. :
:

**APPENDIX TO DEFENDANT'S REPLY BRIEF IN
SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

/s/ Norman H Brooks, Jr.
Norman H. Brooks, Jr., Esquire (No. 2568)
Marks, O'Neill, O'Brien & Courtney, P.C.
913 North Market Street, #800
Wilmington, DE 19801
(302) 658-6538
Attorney for Defendant

DATED: September 9, 2005

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RED LION GROUP INC.

Diversified Technologies for Fire, Security and Communications - Since 1920

November 25, 2002

Honeywell
6100 Philadelphia Pike
Claymont, DE 19703

Attention: Russell W. Davis, CHMM

Reference: INCIDENT REPORT DATED NOVEMBER 20, 2002

Dear Mr. Davis;

We are enclosing an M.S.D.S. for the carbon dioxide (CO2) portable fire extinguisher mentioned in your report.

This was a 5 lb. CO2 extinguisher manufactured by Fyr-Fyter 1968. The serial number is M-231123. This extinguisher was hydro-tested in March of 2002.

We discharged, recharged and discharge a second time the extinguisher returned to us with the "DANGER" tag attached.

There was no evidence of leakage of any kind with this extinguisher.

If you have any questions or concerns please do not hesitate to contact me.

Yours truly,

RED LION GROUP INC.

Elton H. Vincent

Elton H. Vincent
Director of Service & Training

EHV/cke

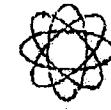
honeywell.exting.msds.ehv.112502



C-1

JAMES M CASTLE

Δ π EXHIBIT 1	
Deponent	Vincent
Date	10-29-05
Rptr. www.depotbook.com	



500 Red Lion Road, Philadelphia, PA 19115-1198 • 100 Philadelphia Pike, Wilmington, DE 19809-3161
(215) 676-6100 / FAX (215) 464-0154 • (302) 475-6652 • (302) 762-6770 / FAX (302) 762-6774

Web Site: www.redliongroup.com

1 Q. Where was she at that point?

2 A. I believe she was at her
3 desk in the administration building.

4 Q. Is April Baylis right-handed
5 or left-handed, if you know?

6 A. I don't know. I'm sorry, I
7 don't know.

8 Q. When you were performing
9 your function that morning did you make
10 any effort to determine whether she was
11 right-handed or left-handed before you
12 gave her the training?

13 A. No, sir. That's not a
14 criteria for the extinguishers.

15 Q. I'm sorry?

16 A. That's not a criteria for
17 using extinguishers.

18 Q. Would her handedness, that
19 is, being left-handed or right-handed,
20 would that make any difference in the
21 training that she received by you and
22 Jerry in the pit that morning?

23 A. I don't believe so. The
24 only thing, it might be a little awkward

1 is pulling the pin. Most pins are on the
2 left-hand side of the extinguisher. Most
3 folks are right-handed so when you pick
4 the unit up in your right hand the pin is
5 over here on the left side.

6 Q. Why do you say most people
7 would pick it up with their right hand?

8 A. I say a right-hander would
9 pick it up with their right hand, pull
10 the pin with their left hand. If she was
11 left-handed she'd probably pick it up
12 with her left-hand, pull it from her
13 right, but the pin's not over here, it's
14 over here. So she would almost be forced
15 to pick it up with her right-hand.

16 Q. Well, do you recall
17 discussing that with her before she
18 picked it up?

19 A. No, sir, I don't.

20 Q. Was that part of the
21 teaching process that morning to
22 determine if the person was right-handed
23 or left-handed?

24 A. I don't believe so, no.

1 A. Yes, she does.

2 Q. Are there any other activities
3 that you are wholly precluded from doing?

4 A. I can't sweep the floor.

5 Q. And why can't you sweep the
6 floor?

7 A. Because I can't hold a broom.

8 Q. Are you right-handed or
9 left-handed?

10 A. Left-handed. But I sweep with
11 two hands when I used to sweep.

12 Q. Are there any other activities
13 that you're wholly precluded from doing?

14 A. I can't carry boxes at work.

15 As my supplies come in in boxes, and I
16 would carry them from my office to the
17 supply closet and put them away. Or the
18 cases of paper are in the closet, and if I
19 need to put them in the copier, I carry
20 them from there to the copier. I can't do
21 that now. I can't get a grip on them.

22 Q. Are there any activities that
23 you can't do as well as or as long as or to
24 the same extent you could before --

1 extinguisher was designed for a
2 right-handed person?

3 A. I think it's either/or. I
4 mean, because you squeeze the trigger with
5 one and you sweep with the other one. So
6 you're using both hands.

7 Q. So you pulled the pin with
8 which hand?

9 A. Right.

10 Q. When you pulled the pin with
11 your right hand, was your left hand holding
12 the trigger area?

13 A. I don't think so.

14 Q. Where was your left hand when
15 you pulled the pin?

16 A. When you pull the pin, you
17 actually have the fire extinguisher sitting
18 in front of you. Because they're a little
19 heavy. So it's kind of hard to hold them
20 and pull the pin at the same time, and I
21 don't think you're supposed to do it that
22 way, anyway. I don't remember exactly, but
23 I think it was sitting down in front of me,
24 and I would say that my left hand probably

1 wasn't even on the fire extinguisher at
2 that time.

3 Q. At what time?

4 A. When I pulled the pin.

5 Q. Well, let's back up. Which
6 hand did you use to pull the pin?

7 A. My right hand. So I would say
8 my left hand was not on the fire
9 extinguisher at all at that time. But
10 we're talking a matter of seconds.

11 Q. Where is your left hand when
12 you pulled the pin?

13 A. I -- honestly, I couldn't tell
14 you. Probably just hanging down to my
15 side.

16 Q. Are you sure your left hand
17 wasn't around the trigger area when you
18 pulled the pin?

19 A. No.

20 Q. When you first put your hand
21 on the trigger area, what hand did you put
22 on the trigger?

23 A. My left hand.

24 Q. When you first touched the